

RCE/116421EW
f**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Xianxhang YU, et al.
 Title: THERAPEUTIC PORE-FORMING PEPTIDES
 Appl. No.: 09/851,422
 Appl. Filing Date: 05/09/2001
 Examiner: Misook Yu
 Art Unit: 1642

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. **Submission required under 37 C.F.R. §1.114:** (check items that apply)

a. Enclosed is:

[] Amendment/Reply.

05/19/2004 MGE BREM1 00000062 09851422

01 FC:1801	770.00 OP
02 FC:1253	950.00 OP

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$770.00	<u>\$770.00</u>
Total Claims:	23	-	23 = 0	x \$18.00	<u>\$0.00</u>
Independents	2	-	3 = 0	x \$86.00	<u>\$0.00</u>
CLAIMS FEE TOTAL:					<u>\$770.00</u>

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[X] Extension for response filed within the third month:	\$950.00	<u>\$950.00</u>
EXTENSION FEE SUBTOTAL:		<u>\$950.00</u>
EXTENSION FEE TOTAL		<u>\$950.00</u>
CLAIMS AND EXTENSION FEE TOTAL:		<u>\$1,720.00</u>
TOTAL FEE:		<u>\$1,720.00</u>

[] Please charge Deposit Account No. 19-0741 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

[X] A check in the amount of \$1,720.00 to cover the filing fee is enclosed.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By 
George C. Best
Attorney for Applicant
Registration No. 42,322

Date May 18, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xianxhang YU, *et al.*

Title: THERAPEUTIC PORE-FORMING PEPTIDES

Appl. No.: 09/851,422

Filing Date: May 9, 2001

Examiner: Misook Yu

Art Unit: 1642

AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.111

Commissioner for Patents
U.S. Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This communication responds to an Office Action dated November 25, 2003, concerning the above-referenced patent application. Applicants submit the following Amendment under 37 C.F.R. § 1.111, in conjunction with an accompanying Request for Continued Examination.

Although applicants believe that no fee is due, the Commissioner is hereby authorized to charge any deficiency to Deposit Account No. 19-0741, including any extension of time, and to treat this authorization as a petition for any extension of time determined to be necessary for this response to be considered timely.

Please amend the application as follows: